

**Californians for Consumer Privacy**  
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Age Appropriate Design Code call for evidence  
Engagement Department  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
United Kingdom

Sept. 21, 2018

Dear Commissioner Denham:

I write to you as the proponent of a California ballot initiative that became the recently passed California Consumer Privacy Act (CCPA) (June 2018).

The narrative of the CCPA's passage, and the grassroots campaign which led up to it, was recently chronicled by the New York Times Magazine (hyperlink in e-version, otherwise search for August 14, 2018 magazine cover article).

Upon its passage via the state legislature in June 2018, the CCPA (also known as Assembly Bill 375) gave California's 40 million citizens the most comprehensive consumer privacy protections ever enacted in the United States, including the rights to:

1. Find out what information large corporations and data brokers have collected about Californians (Transparency);
2. Tell corporations to stop selling Californians' personal information (Control); and
3. Require corporations to keep Californians' personal information more secure (Accountability).

The three principles of Transparency, Control and Accountability were our guiding template, and we are thrilled to have achieved substantial progress in these areas.

In addition, one of our major victories was to achieve greater control over children's information, since the law requires opt-in permission prior to selling personal information of children under 16. Children's consumer privacy rights continue to be a priority of our organization.

With that in mind, we applaud the UK Government for introducing the Age Appropriate Design Code. It is critical that the worldwide movement towards greater data privacy for all people includes strong protections for children, and we are heartened by your Government's leadership in this endeavor.

It is also important to acknowledge that children are on a journey over the course of their upbringing, when they are forming lasting data habits, and also, unfortunately, being groomed for a lifetime of data harvesting by corporations.

Californians for Consumer Privacy supports the Code using the standard of a child's "best interest" in each data decision/or interaction.

Therefore, we recommend that the Commissioner include:

- **The right to transparency.** Parents and children should know what data is collected by a business on minors. (The CCPA allows consumers to access this information twice annually, free of charge).
- **The right to control.** Parents and children should be able to control the data collected by companies on minors. The CCPA requires opt-in consent prior to the sale of California children's information (under 16). In the US, our First Amendment right to freedom of speech extends to corporations, therefore making the "right to be forgotten" difficult to replicate. However, the CCPA's right to deletion does provide substantial control over what personal information exists in the hands of private companies. Given that children are often unaware of the consequences of their actions, we support the European "right to be forgotten," covering much of the data collected about children.
- **The right to accountability.** Parents and children should be able to enforce the rights enumerated by data privacy laws. In California, consumers can exercise their right to private action if a business fails to protect the consumers personal information in the event of a data breach.

Many have accused us, and the California Consumer Privacy Act, of being anti-business, and have said that this law would hurt the 'innovation engine' that powers California, the home to Silicon Valley.

Nothing could be farther from the truth. Our common-sense legislation is written in a manner to ensure that we do not harm commerce, whether online or traditional, while ensuring crucial consumer privacy rights for California consumers.

As exemplified by the Cambridge Analytica debacle and countless data breaches, two truths remain: regulation is desperately needed around privacy, data collection and data sale in the technology and data industries; and these industries are incapable of regulating themselves. That said, we feel optimistic that given the

actions being taken by governments and activists across the globe, meaningful progress is being made to take back control of consumers' personal information.

We urge the Commissioner to act on behalf of UK children, and set the highest bar of data privacy – and in doing so, act for children everywhere. The Age Appropriate Design Code should be a beacon of what good data practice looks like for people the world over.

Sincerely,

[REDACTED]

[REDACTED] Californians for Consumer Privacy